

REMARKS

Upon entry of this amendment, claims 1, 2, 4, 5 and 7 are all the claims pending in the application. Claims 3 and 6 are canceled by this amendment.

Applicants note that a number of editorial amendments have been made to the specification and abstract for grammatical and general readability purposes. No new matter has been added.

Applicants also note that a replacement sheet is being submitted herewith for Figs. 2a and 2b. In the replacement sheet, minor changes have been made to make the drawings consistent with the specification. For example, the reference number corresponding to part number "C-xxxxxxx3" was changed from "11" to --13--, and for the serial numbers corresponding to reference numbers 52 and 56, "C/N" was changed to --S/N--. Applicants kindly request that the Examiner approve the replacement drawings.

I. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Fujieda et al. (U.S. 6,557,002) in view of UBIC- Universal Binary Identity Code.

Applicants note that claims 1 and 7 have been amended to include the features recited in original claim 3, and that claim 4 has been amended to include the features recited in original claim 6.

Accordingly, claims 1 and 7 now recite the feature of linking histories of a product and parts to which serial numbers are assigned, to the serial numbers; and storing the histories together with their linking information in a database. Similarly, claim 4 recites that the

supporting means is adapted to support the user to enter in the database histories of the product and parts to which the serial numbers are assigned. Applicants submit that the cited prior art fails to disclose, suggest or otherwise render obvious at least these features recited in the claims.

The Examiner recognizes that neither Fujieda nor "UBIC" discloses or suggests the features noted above regarding the history of the product and parts. Nonetheless, the Examiner alleges that it was commonly known to those of ordinary skill in the art that part histories could be included in product and part attribute files (see page 5 of the Office Action). Based on the Examiner's comments, it is clear that the Examiner is taking Official Notice with respect to the above noted features regarding the history of the product and parts to which serial numbers are assigned.

It is settled law that the rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art. That is, the Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970); see also MPEP 2144.03. Thus, if the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. See *In re Malcolm*, 129 F.2d 529, 54 USPQ 235 (CCPA 1942); see also MPEP 2144.03. However, if the Applicant traverses such an assertion, the Examiner should cite a reference in support of his or her position (see MPEP 2144.03).

Applicants submit that the feature of linking the history of the product and parts to serial numbers is not capable of instant and unquestionable demonstration as being "well-known" in the

art. Therefore, if the Examiner maintains the rejection, in accordance with MPEP 2144.03, Applicants respectfully request the Examiner to cite a reference in support of the position that the linking of histories to a product and parts to which serial numbers are assigned is known in the art.

Further, should the Examiner maintain the above rejection, Applicants kindly request that the Examiner provide Applicants with evidence that the “UBIC” document was available prior to July 14, 2000 (e.g., a printout of the search results from the HotBot search engine showing that the “UBIC” document was available prior to July 14, 2000). In the absence of such evidence, Applicants respectfully submit that the UBIC document is not prior art, and therefore, that the rejection based on “UBIC” is improper.

In view of the foregoing, Applicants submit that independent claims 1, 4 and 7 are patentable over the cited prior art, an indication of which is respectfully requested. Claim 2 depends from claim 1, and claim 5 depends from claim 4. Accordingly, Applicants submit that these claims are patentable at least by virtue of their dependency. As noted above, claims 3 and 6 have been canceled by this amendment.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kazuhiro ESAKI et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

By: Kenneth Fields
Kenneth W. Fields
Registration No. 52,430
Attorney for Applicants

KWF/kes
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 29, 2004